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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BUTTE DIVISION**

**ERIK POWELL,
Plaintiff,**

v.

**MONTANA STATE
UNIVERSITY, DR. ROBERT
MOKWA, and JYL SHAFFER,**
*employees of Montana State
University, sued in their official
capacity,*
Defendants.

Civil Action No.2:17-cv-15-SEH

**PLAINTIFF'S UNOPPOSED
MOTION TO CONTINUE
NOVEMBER 29, 2018 HEARING**

Plaintiff Erik Powell moves this Court to continue the hearing set for 10:00 a.m. on November 29, 2018. Counsel for the parties have consulted about this motion; both parties agree to the proposed continuance. In support of his motion, Mr. Powell states the following:

1. Lead counsel for Mr. Powell has two previously scheduled obligations that conflict with the scheduled hearing date. On November 28, 2018 at 1:00 p.m. he is obligated to be in Blacksburg, Virginia for a school disciplinary hearing. On November 30, 2018, at 10:00 a.m. He is obligated to argue a motion at the United States District Court for the Eastern District of Virginia, Alexandria Division.

2. Each of these previously scheduled obligations independently conflict with the hearing date and time currently set for the hearings on Plaintiff's Motion for Summary Judgment¹ and Defendants' Motion for Partial Summary Judgment.² No commercial flights would allow counsel to attend either of these prior commitments and also attend the hearing in this case.

3. Counsel for the parties have consulted as to available dates. All counsel are available on December 17, 2018. If that date is not the

¹ Doc. 114

² Doc. 119

Court, counsel are also available on December 12, 2018, December 18, 2018, and December 19, 2018.

WHEREFORE, Plaintiff Erik Powell moves this Court to continue the hearing set for November 29, 2018 and reset it for Monday, December 17, 2018 or such other date that is available to the Court and the parties.

DATED: November 19, 2018

Respectfully submitted,

By: /s/ Jesse R. Binnall

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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2018 I filed the foregoing using the Clerk's CM/ECF system, which will provide notice to all counsel of record.

By: /s/ Jesse R. Binnall

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